IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13767 of 2004

Between:

Tasneem Khanam, W/o Sajeed Khan,
r/o 4-7-23, Panjesha Street, Adilabad District.

..... PETITIONER

AND

1 The Regional Transport Authority, Adilabad, District Adilabad.
2 The Assistant Motor Vehicle Inspector, (Enforcement) Warangal, District

Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order, or direction, or issue an appropriate writ, more particularly one in the nature of writ of Mandamus directing the respondents herein to release the seized vehicle of petitioner herein i.e., Heavy Goods Vehicle (Lorry) bearing Registration No.AP 01 T 7474 which was seized by the respondent No.2 herein under Vehicle Check Report No.162755, dt.30-7-2004 and declare the action of respondents regarding the seizure of said vehicle is illegal, arbitrary, violative of Article 14 of the Constitution of India, and against the mandatory provisions of M.V.Act and its Rules.

Counsel for the Petitioner:MR.S.CHANDRASEKHAR

Counsel for Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following :

ORDER:

The petitioner is the owner of the lorry bearing No. A.P. 01 T 7474 which was seized by the 2nd respondent on 30-07-2004 on the ground that there was over load by 12,000 Kgs. than the permitted load and issued a check report on the same day. The petitioner appears to have made a representation on the same day to the 1st respondent contending that there was no over load and requested to release the vehicle. The matter is pending with the 1st respondent.

2. The learned counsel for the petitioner represents that since the vehicle is kept idle exposing to light and rain, it is likely to be damaged. Therefore, requested to release the vehicle for interim custody.

3. Since the enquiry is pending before the 1st respondent, the vehicle in question is directed to be released to the petitioner for interim custody on condition of his depositing Rs.10,000/- with the 1st respondent and on such deposit the respondents shall release the vehicle for interim custody of the petitioner on further conditions that he shall not transfer the vehicle or sell the vehicle in favour of others or shall not change or modify the vehicle during the period of interim custody. The petitioner shall produce whatever documents he has before the 1st respondent and cooperate with the 1st respondent for passing appropriate orders on merits on the check report of 2nd respondent.

4. The writ petition is accordingly disposed of at the admission stage. No order as to costs.

_____

Dr. G.YETHIRAJULU, J

NOTE

Wire at party's costs

B/o

Dsr/ch.vn.

4th August,2004.

Chvn/DSR.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Transport Authority, Adilabad, District Adilabad.
2 The Assistant Motor Vehicle Inspector, (Enforcement) Warangal,

District Warangal.

3, Two C.Cs. to the G.P. for Transport, High Court Buildings,

Hyderabad(OUT).

4. Two C.Ds.